

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
at GREENEVILLE

WILLIAM BARWICK POTTER,

Plaintiff,

v.

TAKOMA REGIONAL HOSPITAL,

Defendant.

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Case No. 2:18-cv-23

Judge Mattice

Magistrate Judge Corker

ORDER

On July 3, 2018, United States Magistrate Judge Clifton L. Corker filed his Report and Recommendation, [Doc. 4], pursuant to 28 U.S.C. § 636. Magistrate Judge Corker recommended that Plaintiff's Complaint be **DISMISSED** under 28 U.S.C. § 1915(e) for failing to state a claim capable of relief, and because there is no discernable basis for jurisdiction to hear the Plaintiff's claim. Plaintiff has not filed objection to the Magistrate Judge's Report and Recommendation.¹ Nevertheless, the Court has conducted a review of the Report and Recommendation, as well as the record, and it agrees with Magistrate Judge Corker's well-reasoned conclusions.

Accordingly,

- The Court hereby **ACCEPTS** and **ADOPTS** Magistrate Judge Corker's findings of fact, conclusions of law, and recommendations, [Doc. 4], pursuant to 28 U.S.C. § 636(b)(1) and Fed. R. Civ. P. 72(b);
- Plaintiffs' Complaint [Doc. 2] is hereby **DISMISSED**;

¹ Magistrate Judge Corker specifically advised Plaintiff he had 14 days in which to object to the Report and Recommendation and that failure to do so would waive his right to appeal. [Doc. 4 at 4 n.3]; see Fed. R. Civ. P. 72(b)(2); see also *Thomas v. Arn*, 474 U.S. 140, 148-51 (1985) (noting that "[i]t does not appear that Congress intended to require district court review of a magistrate's factual or legal conclusions, under a *de novo* or any other standard, when neither party objects to those findings"). Even taking into account the three additional days for service provided by Fed. R. Civ. P. 6(d), the period in which the Parties could timely file any objections has now expired.

SO ORDERED this 30th day of July, 2018.

/s/ *Harry S. Mattice, Jr.*
HARRY S. MATTICE, JR.
UNITED STATES DISTRICT JUDGE